

REMARKS

Claim Rejections

Claims 1-12 are rejected under 35 U.S.C. § 112, second paragraph. Claims 1-5 and 10-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin (U.S. 6,386,935) in view of Lin (U.S. 6,132,125). Claims 1, 5, 8 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin (U.S. 6,386,935) in view of Lin (U.S. 6,524,155).

Abstract of the Disclosure

Applicant is submitting a substitute Abstract of the Disclosure for that originally filed with this application to more clearly describe the claimed invention. Entry of the substitute Abstract of the Disclosure is respectfully requested.

Drawings

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

New Claims

By this Amendment, Applicant has canceled claims 1, 10 and 11, amended claims 2-9 and 12, and has added new claims 13 and 14 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The new claims are directed toward a thin-layer bubble blower comprising: a container (1) having: two flat cover plates (11, 12) connected together; a flat liquid chamber (14) formed between the two flat cover plates and containing a bubble solution therein; and an opening, wherein the container has a thickness between 2 and 6 mm; and a bubble-blowing bar (2) removably inserted into the flat liquid chamber through the opening for blowing the bubble solution into bubbles.

The primary reference to Lin '935 teaches a bubble-blower combination toy including a liquid container (1) including a first recessed chamber (2) with an embossed wall (21) and a second recessed chamber (3). The first and second recessed chambers are located on an exterior of the liquid container, and the liquid container includes a cylindrical hollow interior.

Lin '935 does not teach two flat cover plates connected together; a flat liquid chamber formed between the two flat cover plates; the container has a thickness between 2~6mm; the flat cover plates of the container are integrally formed; said container has an open frame located on an outer side and defining a coupling groove for holding a card; the container has a backboard fixedly fastened thereto; the container has a plurality of recessed portions on one side thereof; the container is shaped like a rule and has marks for measuring a distance; said container has one side fixedly mounted with a folding sheet member; the container has one side fixedly provided with an ornament; said container further comprises a plurality of ribs located inside said flat liquid chamber and forming with said flat liquid chamber a labyrinth, and floating elements floating in said bubble solution inside said flat liquid chamber; nor does Lin '935 teach said container has one side fixedly mounted with a backboard, said backboard having an open frame defining a coupling groove for holding a card.

The secondary reference to Lin '125 teaches a combination bubble-blower pen including an upper barrel (1), a pen body (2), and a bubble-blowing device (3). The upper barrel is a cylindrical solution container.

Lin '125 does not teach two flat cover plates connected together; a flat liquid chamber formed between the two flat cover plates; the container has a thickness between 2~6mm; the flat cover plates of the container are integrally formed; said container has an open frame located on an outer side and defining a coupling groove for holding a card; the container has a backboard fixedly fastened thereto; the container has a plurality of recessed portions on one side thereof; the container is shaped like a rule and has marks for measuring a distance; said container has one side fixedly mounted with a folding sheet member; the container has one side fixedly provided with an ornament; said container further comprises a plurality of ribs located inside said flat liquid chamber and forming with said flat liquid chamber a

labyrinth, and floating elements floating in said bubble solution inside said flat liquid chamber; nor does Lin '125 teach said container has one side fixedly mounted with a backboard, said backboard having an open frame defining a coupling groove for holding a card.

The secondary reference to Lin '155 teaches a bubble-blower toy including a fluid container (1), an applicator (2), and an ornament (10). The fluid container includes a container body (11) holding a bubble fluid for blowing bubbles, and an opening (111) in the container body.

Lin '155 does not teach two flat cover plates connected together; a flat liquid chamber formed between the two flat cover plates; the container has a thickness between 2~6mm; the flat cover plates of the container are integrally formed; said container has an open frame located on an outer side and defining a coupling groove for holding a card; the container has a backboard fixedly fastened thereto; the container has a plurality of recessed portions on one side thereof; the container is shaped like a rule and has marks for measuring a distance; said container has one side fixedly mounted with a folding sheet member; the container has one side fixedly provided with an ornament; said container further comprises a plurality of ribs located inside said flat liquid chamber and forming with said flat liquid chamber a labyrinth, and floating elements floating in said bubble solution inside said flat liquid chamber; nor does Lin '155 teach said container has one side fixedly mounted with a backboard, said backboard having an open frame defining a coupling groove for holding a card.

Even if the teachings of Lin '935, Lin '125, and Lin '155 were combined, as suggested by the Examiner, the resultant combination does not suggest: two flat cover plates connected together; a flat liquid chamber formed between the two flat cover plates; the container has a thickness between 2~6mm; the flat cover plates of the container are integrally formed; said container has an open frame located on an outer side and defining a coupling groove for holding a card; the container has a backboard fixedly fastened thereto; the container has a plurality of recessed portions on one side thereof; the container is shaped like a rule and has marks for measuring a distance; said container has one side fixedly mounted with a folding sheet member; the container has one side fixedly provided with an ornament; said

container further comprises a plurality of ribs located inside said flat liquid chamber and forming with said flat liquid chamber a labyrinth, and floating elements floating in said bubble solution inside said flat liquid chamber; nor does the combination suggest said container has one side fixedly mounted with a backboard, said backboard having an open frame defining a coupling groove for holding a card.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Lin '935, Lin '125, or Lin '155 that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Lin '935, Lin '125, nor Lin '155 suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's new and amended claims.

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Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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